

Zoning Text Amendment No: 11-01  
Concerning: Commercial/Residential  
zones – Neighborhood  
and Town zones  
Draft No. & Date: 2 – 4/7/11  
Introduced: April 12, 2011  
Public Hearing:  
Adopted:  
Effective:  
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: Council President Ervin at Request of the Planning Board

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- **establish** the Commercial/Residential Neighborhood (CRN) and Commercial/Residential Town (CRT) zones; and
- generally amend the Commercial/Residential zones.

By **amending** the following Division to the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-15      “COMMERCIAL/RESIDENTIAL [(CR)] ZONES”

<p><b>EXPLANATION:</b> <i><b>Boldface</b> indicates a heading or a defined term.</i> <i><u>Underlining</u> indicates text that is added to existing laws by the original text amendment.</i> <i>[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.</i> <i><u>Double underlining</u> indicates text that is added to the text amendment by amendment.</i> <i>[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.</i> <i>* * * indicates existing law unaffected by the text amendment.</i></p>
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*ORDINANCE*

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

**Sec. 1. Division 59-C-15 is amended as follows:**

**\* \* \***

**DIVISION 59-C-15. COMMERCIAL/RESIDENTIAL [(CR)] ZONES**

**59-C-15.1. Zones established.**

**59-C-15.11.** [The Commercial/Residential (CR) zones are established as combinations of a sequence of 4 factors: maximum total floor area ratio (FAR), maximum non-residential FAR, maximum residential FAR, and maximum building height.]

(a) There are 3 commercial/residential classifications with variable uses, density and height limits, general requirements, development standards, and public benefit requirements to respond to different settings. These zone classifications are:

(1) CR Neighborhood (CRN);

(2) CR Town (CRT); and

(3) CR (CR).

(b) [These zones are identified by] Each CRN, CRT, or CR zone classification is followed by a number and a sequence of 3 additional symbols: [CR,] C, R, and H, each followed by a number where:

[(a)](1) the number following the [symbol “CR”-] CRN, CRT, or CR is the maximum total FAR;

[(b)](2) the number following the [symbol] “C” is the maximum non-residential FAR;

[(c)](3) the number following the [symbol] “R” is the maximum residential FAR; and

[(d)](4) the number following the [symbol] “H” is the maximum building height in feet.

(c) The Commercial/Residential zones must be applied on the zoning map that will show, for each property classified:

(1) the commercial/residential classification; and

(2) the 4 standards (total, non-residential, and residential densities and building height).

(d) This Division uses examples and illustrations to demonstrate the intent of the CR zones. [The] These examples [in this Division] and illustrations do not add, delete, or modify any provision of this Division. [Examples are provided only to demonstrate particular applications of the provisions in the Division. Examples are not intended to limit the provisions.]

**59-C-15.12. Density and height allocation.**

**59-C-15.121. Density and height limits.**

(a) Each unique sequence of CRN, CRT, or CR, and C, R, and H is established as a zone under the following limits:

<u>Category</u>	<u>Maximum Total FAR</u>	<u>Maximum C or R FAR</u>	<u>Maximum H</u>
<u>CRN</u>	<u>0.5 to 1.5</u>	<u>0.25 to 1.5</u>	<u>40 to 65</u>
<u>CRT</u>	<u>0.5 to 4.0</u>	<u>0.25 to 3.5</u>	<u>40 to 150</u>
<u>CR</u>	<u>0.5 to 8.0</u>	<u>0.25 to 7.5</u>	<u>40 to 300</u>

(b) Zones may be established and mapped at densities in increments of 0.25 and heights in increments of 5 feet within the ranges indicated in the table.

Example: Under the provisions of Sections (a) and (b) above, the CRN zones may establish maximum total densities of 0.5, 0.75, 1.0, 1.25, or 1.5 FAR and maximum heights of 40, 45, 50, 55, 60, or 65. The range of densities and heights from which the various CRN zones can be established and mapped provides guidance to the Planning Board's recommendation and to the Council when applying a particular

zone. Once the zone is approved on a zoning map, it allows a developer to build at any height and density up to the maximum. For example, a property owner whose land is zoned at CRN1.0 C0.5 R1.0 H45 could elect to build at a 1.0 FAR with a height of 35 feet or 0.75 FAR and 42 feet or any other combination up to 1.0 FAR and 45 feet.

[(a) the maximum total FAR must be established as an increment of 0.25 from 0.5 up to 8.0;

(b) the maximum non-residential and residential FAR must be established as an increment of 0.25 from 0.25 up to 7.5; and

(c) the maximum height must be established as an increment of 5 feet up to 100 feet and an increment of 10 feet from 100 feet up to 300 feet.]

**[59-C-15.121]59-C-15.122. Density averaging.**

Permitted density may be averaged over 2 or more directly abutting or confronting lots or parcels in one or more CRN, CRT, or CR zones, provided that:

(a) the lots or parcels are subject to the same site plan or sketch plan;

(b) the lots or parcels are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved sketch plan;

(c) the maximum total [density and], non-residential and residential density limits apply to the entire development, not to individual lots or parcels;

(d) no building may exceed the maximum height set by the zone;

(e) [public benefits must be provided under the phasing element of an approved sketch plan] uses are subject to the provisions of the zone classification;

(f) the total allowed maximum density [of] on a lot or parcel [zoned CR] that is adjacent to or confronting [one-family residentially zoned or agriculturally zoned lots or parcels] a lot or parcel in a one-family residential zone or an

agricultural zone may not [be exceeded] exceed that allowed by the lot or parcel's commercial/residential zone; and

- (g) [the resulting development must conform to the design and land use objectives of the applicable master or sector plan and design guidelines.] public benefits must be provided under the phasing element of an approved sketch plan.

### **59-C-15.13. Applicability.**

The CRN, CRT, and CR zones can only be applied when specifically recommended by an approved and adopted master or sector plan and only by [the] sectional map amendment [process].

#### *Examples:*

- An area zoned [CR-2.0] CRN1.5, C1.0, R1.0, [H80] H45 allows a total FAR [of 2.0] up to 1.5, with maximum non-residential and residential FARs of 1.0, thereby requiring [an equal] a mix of uses to obtain the total FAR allowed. The height for any building in this zone is limited to [80] 45 feet.
- An area zoned CR[-]6.0, C3.0, R5.0, H200 allows [a residential FAR of up to 5.0,] a non-residential FAR [of] up to 3.0, a residential FAR up to 5.0, and a mix of the two uses could yield a total FAR of 6.0. This combination allows for flexibility in the market and shifts in the surrounding context. The height for any building in this zone is limited to 200 feet.
- An area zoned [CR-4.0] CRT3.5, [C4.0] C3.5, [R4.0] R3.5, [H160] H100 allows complete flexibility in the mix of uses, including buildings with no mix, because the maximum allowed non-residential and residential FARs are both equivalent to the total maximum FAR allowed. The height for any building in this zone is limited to [160] 100 feet.

### **59-C-15.2. Description and objectives of the CR zones.**

The CRN, CRT, and CR zones permit a mix of residential and non-residential uses at varying densities and heights. The zones promote economically, environmentally, and socially sustainable development patterns where people can live, work, recreate, and have access to services and amenities while minimizing the need for automobile use. The application of the CR zones is appropriate where

ecological impacts can be moderated by co-locating housing, jobs, and services.

The objectives of the CRN, CRT, and CR zones are to:

- (a) implement the policy recommendations of applicable master and sector plans;
- (b) target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses;
- (c) reduce dependence on the automobile by encouraging development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities;
- (d) allow a mix of uses, densities, and building heights appropriate to various contexts to ensure compatible relationships with adjoining neighborhoods;
- (e) [encourage] allow an appropriate balance of employment and housing opportunities [and compatible relationships with adjoining neighborhoods;
- (e) establish the maximum density and building height for each zone, while retaining appropriate development flexibility within those limits]; and
- (f) standardize optional method development by establishing minimum requirements for the provision of [the] public benefits that will support and accommodate density above the standard method limit.

**59-C-15.3. Definitions specific to the CR zones.**

The following words and phrases, as used in this Division, have the meaning indicated. The definitions in Division 59-A-2 otherwise apply.

**Car share space:** a parking space that serves as the location of an in-service vehicle used by a vehicle-sharing service.

**Cultural institutions:** public or private institutions or businesses including: art, music, and photographic studios; auditoriums or convention halls; libraries and

museums; recreational, performance, or entertainment establishments,  
commercial; theater, indoor; theater, legitimate.

**Day care facilities and centers:** facilities and centers that provide daytime care  
for children and/or adults, including: child daycare facility (family day care,  
group day care, child day care center); daycare facility for not more than 4  
senior adults and persons with disabilities; and day care facility for senior adults  
and persons with disabilities.

**Frontage:** a property line shared with an existing or master-planned public or  
private road, street, highway, or alley right-of-way or easement boundary.

**Limits of Disturbance:** an area on a certified site plan within which all  
construction work must occur.

**Live/Work unit:** Buildings or spaces within buildings that are used jointly for  
non-residential and residential purposes [where the residential use of the space  
may be secondary or accessory to the primary use as a place of work].

**Manufacturing and production, artisan:** The manufacture and production of  
commercial goods by a skilled manual worker or craftsman, such as jewelry,  
metalwork, cabinetry, stained glass, textiles, ceramics, or hand-made food  
products.

**Public Arts Trust Steering Committee:** A committee of the Arts and Humanities  
Council that allocates funds from the Public Arts Trust.

**Public owned or operated uses:** Activities that are located on land owned by or  
leased and developed or operated by a local, county, state, or federal body or  
agency.

**Recreational facilities, participatory:** Facilities used for sports or recreation.

**Reconstruction:** Building the same or less floor area on or within the footprint of  
a demolished or partially demolished building.



**Renovation:** An interior or exterior alteration that does not affect a building's footprint.

**Seasonal Outdoor Sales:** A lot or parcel where a use or product is offered annually for a limited period of time during the same calendar period each year. The availability or demand for the use or product is related to the calendar period, such as Christmas trees, pumpkin patches, or corn mazes.

**Tenant Footprint:** The horizontal area measured within the exterior walls for the ground floor of the main structure allocated to each non-residential tenant or owner-occupant.

**Transit proximity:** Transit proximity is categorized in two levels: 1. proximity to an existing or planned Metrorail Station; 2. proximity to an existing or planned station or stop along a rail or bus line with a dedicated, fixed path. All distances for transit proximity are measured from the nearest transit station entrance or bus stop. To qualify as a planned station or stop, the station or stop must have funds appropriated in the relevant Capital Improvement Program.

#### **59-C-15.4. Methods of development and approval procedures.**

[Two methods of development are available under the CR zones] The CRN zones allow development only under the standard method. The CRT and CR zones allow development under the standard method and may allow development under the optional method.

#### **59-C-15.41. Standard Method.**

Standard method development [must comply with the general requirements and development standards of the CR zones] is allowed under the following requirements.

(a) In the CRN zones, the maximum total, non-residential, and residential densities and maximum building height for any property are shown on the zoning map.

(b) In the CRT and CR zones, the maximum standard method density is the lesser of the density shown on the zoning map or:

<u>Category</u>	<u>Maximum Total Density</u>
<u>CRT</u>	<u>The greater of 1.0 FAR or 10,000 gross square feet of floor area.</u>
<u>CR</u>	<u>The greater of 0.5 FAR or 10,000 gross square feet of floor area.</u>

(c) A site plan approval under Division 59-D-3 is required for a standard method development [project] only if the development:

[(a)](1) is a Limited Use;

(2) [the] includes a gross floor area [exceeds] exceeding 10,000 square feet; [or]

(3) includes a building height exceeding 40 feet; or

[(b)](4) [any building or group of buildings contains] includes 10 or more dwelling units.

**59-C-15.42. Optional method.**

Optional method development [must comply with the general requirements and development standards of the CR zones and must provide public benefits under Section 59-C-15.8 to obtain greater density and height than allowed under the standard method of development. A sketch plan and site plan are required for any development using the optional method. A sketch plan must be filed under the provisions below; a site plan must be filed under Division 59-D-3. Any required preliminary subdivision plan must not be submitted before a sketch plan is submitted] is allowed under the following requirements.

(a) The maximum total, non-residential, and residential densities and building height for any property are set by the zone shown on the zoning map.

(b) A sketch plan must be submitted under Section 59-C-15.43.

(c) Site plan(s) must be submitted under Division 59-D-3.

(d) Public benefits must be provided under Section 59-C-15.8.

**59-C-15.43. Sketch plan.**

Any optional method development in the CRT and CR zones requires an approved sketch plan. Any required preliminary plan of subdivision or site plan may not be submitted before a sketch plan has been approved.

(a) A sketch plan application must contain:

(1) a justification statement that addresses how the project meets the requirements and standards of this Division [for optional method development] and describes how the development will further the objectives of the applicable master or sector plan;

(2) [an] illustrative [plan] plans [or model that shows] showing:

(A) [the maximum densities for residential and non-residential uses, massing, and heights of buildings] building densities, massing, heights, and the anticipated mix of uses;

(B) locations of public use and other open spaces;

(C) pedestrian, bicycle, and vehicular circulation, parking, and loading; and

(D) [the] relationships between existing or proposed adjacent buildings [on adjoining tracts] and rights-of-way;

(3) [an illustrative diagram of proposed vehicular, pedestrian, and bicycle access, circulation, parking, and loading areas;

(4)] a table of proposed public benefits and the incentive density requested for each; and

~~[(5)](4)~~ [the] a general phasing outline of structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.

(b) Procedure for a sketch plan:

(1) Before filing a sketch plan application, an applicant must comply with the provisions of the Manual for Development Review Procedures, as amended, that concern the following:

(A) notice;

(B) posting the site of the application submittal; and

(C) holding a pre-submittal meeting.

(2) A public hearing must be held by the Planning Board on each sketch plan application no later than 90 days after the filing of an optional method development application, unless a request to extend this period is requested by the applicant, Planning Board staff, or other interested parties. A request for an extension must be granted if the Planning Board finds it not to constitute prejudice or undue hardship on any interested party. A recommendation regarding any request for extension must be acted upon [as a consent agenda item] by the Planning Board on or before the 90-day hearing period expires. Notice of the extension request and recommendation by Staff must be posted no fewer than 10 days before the item's agenda date.

(3) No fewer than 10 days before the public hearing on a sketch plan, Planning Board staff must submit its analysis of the application, including its findings, comments, and recommendations with respect to the requirements and standards of this division and any other matters that may assist the Planning Board in reaching its decision on

257 the application. This staff report must be included in the record of the  
258 public hearing.

259 (4) The Planning Board must act within 30 days after the close of the  
260 record of the public hearing, by majority vote of those present and  
261 voting based upon the hearing record, to:

262 (A) approve;

263 (B) approve subject to modifications, conditions, or binding  
264 elements; or

265 (C) disapprove.

266 (c) In approving a sketch plan, the Planning Board must find that the following  
267 elements are appropriate in concept and appropriate for further detailed  
268 review at site plan. The sketch plan must:

269 (1) [The plan: (A) meets the] meet objectives, general requirements, and  
270 standards of this Division;

271 (2) [(B) will further] further the recommendations and objectives of the  
272 applicable master or sector plan;[ and (C) will provide more efficient  
273 and effective development of the site than the standard method of  
274 development;]

275 [(2)](3) [The proposed building massing and height and public use and  
276 other open spaces are located and scaled to achieve] achieve  
277 compatible internal and external relationships [with each other and  
278 with] between existing and proposed nearby buildings, [and] open  
279 space [adjacent to the site and with adjacent communities] , and uses;

280 [(3)](4) [The] provide satisfactory general vehicular, pedestrian, and  
281 bicyclist access, circulation, parking, and loading [areas are adequate,  
282 safe, and efficient];

283       ~~[(4)]~~(5)       [The proposed] propose an outline of public benefits [and  
 284                   associated] that supports the requested incentive density [will further  
 285                   the objectives of the applicable master or sector plan and the  
 286                   objectives of the CR zones]; and  
 287       ~~[(5)]~~(6)       [The general] establish a feasible and appropriate provisional  
 288                   phasing [of] plan for all structures, uses, rights-of-way, sidewalks,  
 289                   dedications, public benefits, and future preliminary and site [plans is  
 290                   feasible and appropriate to the scale and characteristics of the project]  
 291                   plan applications.

292   (d)   During site plan review, the Planning Board may approve modifications to  
 293           the binding elements or conditions of an approved sketch plan.

294       (1)   If changes to a sketch plan are requested by the applicant, notice of  
 295           the site plan application must identify those changes requested. The  
 296           applicant has the burden of persuading the Planning Board that such  
 297           changes should be approved.

298       (2)   If changes are recommended after the application is made, notice of  
 299           the site plan hearing must identify changes requested.

300       (3)   In acting to approve a sketch plan modification as part of site plan  
 301           review, the Planning Board must make the findings required in  
 302           Section 59-C-15.42 (c) in addition to those required by Section 59-D-  
 303           3.

#### 304   **59-C-15.5. Land uses.**

305   No use is allowed in the CRN, CRT, or CR zones except as indicated below:

- 306       - *Permitted Uses* are designated by the letter “P” and are permitted  
 307           subject to all applicable regulations.

- 308           - Limited Uses are designated by the letter “L” and are permitted
- 309           subject to all applicable regulations and the additional restrictions
- 310           under Section 59-C-15.51.
- 311           - Special Exception Uses are designated by the letters “SE” and may be
- 312           authorized as special exceptions under Article 59-G.
- 313

Use	CRN	CRT	CR
<b>(a) Agricultural</b>			
Farm and country markets	<u>L</u>	<u>P</u>	P
Farm, limited to crops, vegetables, herbs, and ornamental plants	<u>P</u>	<u>P</u>	P
Nursery, horticultural – retail or wholesale		<u>P</u>	P
Seasonal outdoor sales	<u>P</u>	<u>P</u>	P
<b>(b) Residential</b>			
Dwellings	<u>P</u>	<u>P</u>	P
Group homes, small [or large]	<u>P</u>	<u>P</u>	P
<u>Group homes, large</u>	<u>L</u>	<u>P</u>	<u>P</u>
Hospice care facilities	<u>L</u>	<u>P</u>	P
Housing and related facilities for senior adults or persons with disabilities	<u>P</u>	<u>P</u>	P
Life care facilities	<u>P</u>	<u>P</u>	P
Live/Work units	<u>P</u>	<u>P</u>	P
Personal living quarters	<u>P</u>	<u>P</u>	P
<b>(c) Commercial Sales and Service</b>			
Advanced technology and biotechnology		<u>P</u>	P
Ambulance or rescue squads, private	<u>L</u>	<u>L</u>	P
Animal boarding places	<u>SE</u>	<u>SE</u>	SE
Automobile filling stations		<u>SE</u>	SE
Automobile rental services, excluding storage of vehicles and supplies	<u>P</u>	<u>P</u>	P
<u>Automobile rental services, including storage of vehicles and supplies</u>		<u>L</u>	<u>L</u>
Automobile repair and services		<u>L</u>	P
Automobile sales, indoors	<u>L</u>	<u>L</u>	P
Automobile sales, outdoors [(except where a municipality prohibits the use within its jurisdiction by resolution)]		<u>L</u>	P
Clinic	<u>L</u>	<u>P</u>	P
Conference centers		<u>P</u>	P
Eating and drinking establishments	<u>L</u>	<u>P</u>	P
Health clubs and gyms	<u>L</u>	<u>P</u>	P
Home occupations, major	<u>SE</u>	<u>SE</u>	SE
Home occupations, registered and no-impact	<u>P</u>	<u>P</u>	P
Hotels and motels	<u>L</u>	<u>P</u>	P
Laboratories		<u>P</u>	P

Dry cleaning and laundry pick-up stations	<u>P</u>	<u>P</u>	P
Offices, general	<u>P</u>	<u>P</u>	P
Recreational facilities, participatory	<u>L</u>	<u>P</u>	P
Research, development, and related activities		<u>P</u>	P
Retail trades, businesses, and services of a general commercial nature <u>with each tenant footprint up to 5,000sf</u>	<u>P</u>	<u>P</u>	P
<u>Retail trades, businesses, and services of a general commercial nature with each tenant footprint between 5,000sf and 15,000sf</u>	<u>L</u>	<u>P</u>	<u>P</u>
<u>Retail trades, businesses, and services of a general commercial nature with each tenant footprint between 15,000sf and 60,000sf</u>		<u>P</u>	<u>P</u>
<u>Retail trades, businesses, and services of a general commercial nature with each tenant footprint over 60,000sf</u>		<u>L</u>	<u>P</u>
Self-storage facilities		<u>SE</u>	SE
<u>Veterinary hospitals and offices with boarding facilities</u>	<u>SE</u>	<u>L</u>	<u>P</u>
Veterinary hospitals and offices without boarding facilities	<u>P</u>	<u>P</u>	P
Warehousing, not including self-storage, less than 10,000 square feet		<u>P</u>	P
<b>(d) Institutional &amp; Civic</b>			
Charitable and philanthropic institutions	<u>L</u>	<u>P</u>	P
Cultural institutions	<u>L</u>	<u>P</u>	P
Day care facilities and centers <u>with over 30 users</u>	<u>L</u>	<u>L</u>	P
<u>Day care facilities and centers with up to 30 users</u>	<u>P</u>	<u>P</u>	<u>P</u>
Educational institutions, private	<u>L</u>	<u>P</u>	P
Hospitals		<u>P</u>	P
Parks and playgrounds, private	<u>P</u>	<u>P</u>	P
Private clubs and service organizations	<u>L</u>	<u>P</u>	P
Publicly owned or publicly operated uses	<u>P</u>	<u>P</u>	P
Religious institutions	<u>P</u>	<u>P</u>	P
<b>(e) Industrial</b>			
Manufacturing and production, artisan	<u>P</u>	<u>P</u>	P
Manufacturing, compounding, processing, or packaging of cosmetics, drugs, perfumes, pharmaceuticals, toiletries, synthetic molecules, and projects resulting from biotechnical and biogenetic research and development		<u>L</u>	P
Manufacturing and assembly of medical, scientific, or technical instruments, devices, and equipment		<u>L</u>	P
<b>(f) Other</b>			
Accessory buildings and uses	<u>P</u>	<u>P</u>	P
Bus terminals, non-public		<u>P</u>	P
Parking garages, automobile		<u>P</u>	P
Public utility buildings, structures, and underground facilities	<u>P</u>	<u>P</u>	P
Radio and television broadcast studios		<u>P</u>	P
Rooftop mounted antennas and related unmanned equipment buildings, cabinets, or rooms	<u>P</u>	<u>P</u>	P



**59-C-15.511. Applicability.** Uses designated by an “L” in the land use table are Limited Uses and must comply with the requirements of this Section if they are on properties that are:

(a) Located adjacent to a property in a one-family residential or agricultural zone; or

(b) Separated from such a property only by the right-of-way of a primary, secondary, or tertiary residential street.

Where these circumstances do not apply, the use is considered a permitted use and Section 59-C-15.41(c)(1) does not apply.

**59-C-15.512. Requirements of Limited Uses.**

Development applications that include Limited Uses must

(a) satisfy the site plan requirements of 59-D-3;

(b) comply with the design recommendations of the applicable sector or master plan, and associated design guidelines; and

(c) ensure compatible relationships with existing and proposed adjacent residential housing through mitigating factors including, but not limited to;

(1) increased setbacks;

(2) sound and visual barriers;

(3) decreased structural heights, or

(4) diminished site lighting.

**59-C-15.6. General requirements.**

Development in the CRN, CRT, and CR [zone] zones must comply with the following requirements.

**59-C-15.61. Master plan and design guidelines conformance.**

Development that requires a site plan must be consistent with the applicable master or sector plan, unless the Planning Board finds that events have occurred to render

the relevant master or sector plan recommendation no longer appropriate, and must [address] substantially conform to any design guidelines approved by the Planning Board that implement the applicable plan.

**[59-C-15.62. Priority retail street frontages.**

Development that requires a site plan and is located on a street identified as a priority retail street frontage in the applicable master plan, sector plan, or design guidelines must be developed in a manner that is consistent with the recommendations and objectives of the applicable plan and address any applicable design guidelines approved by the Planning Board that implement the applicable plan.

**59-C-15.63. Streetscape.**

Streetscape improvements must be consistent with the recommendations of the applicable master or sector plan and must address any Planning Board approved design guidelines that implement the applicable plan.]

**[59-C-15.64]59-C-15.62. Bicycle parking spaces and commuter shower/change facility.**

- [(a) Bicycle parking facilities must be secure and accessible to all residents or employees of the proposed development.
- (b) The number of bicycle parking spaces and shower/change facilities required is shown in the following table (calculations must be rounded to the higher whole number):

Bicycle and Shower/Change Facilities Required			
Use	Requirement		
<i>Multi-family Residential</i>			
In a building containing less than 20 dwelling units.	At least 4 bicycle parking spaces.		

In a building containing 20 or more dwelling units.	At least 0.5 bicycle parking spaces per dwelling unit, not to be fewer than 4 spaces and up to a maximum of 100 required spaces.		
In any group living arrangement expressly for senior citizens.	At least 0.1 bicycle parking spaces per unit, not to be fewer than 2 spaces, up to a maximum of 100 required spaces.		
<i>Non-Residential</i>			
In a building with a total non-residential floor area of 1,000 to 9,999 square feet.	At least 2 bicycle parking spaces.		
In a building with a total non-residential floor area of 10,000 to 99,999 square feet.	Two bicycle parking spaces for the first 10,000 square feet plus one additional space for every additional 10,000 square feet, up to a maximum of 100 spaces.		
In a building with a total non-residential floor area of 100,000 square feet or greater.	Two bicycle parking spaces for the first 10,000 square feet plus one additional space for every additional 10,000 square feet, up to a maximum of 100 spaces. One shower/change facility for each gender available only to employees when the building is accessible.		

363 ]

364 Instead of the requirements of Article 59-E regarding bicycle parking spaces,  
365 development in the CRN, CRT, and CR zones must satisfy the following  
366 provisions.

367 (a) Bicycle Parking Spaces

368

<u>Use</u>	<u>Publicly Accessible Bike Spaces</u>	<u>Private, Secure Bike Spaces</u>
(1) <u>Multi- family Residential</u>		
<u>In a building containing</u>	<u>2</u>	<u>4</u>

<u>less than 20 dwelling units</u>		
<u>In a building containing 20 or more dwelling units</u>	<u>0.1 per unit to a maximum requirement of 10</u>	<u>0.5 per unit to a maximum requirement of 100</u>
<u>In any group living arrangement expressly for senior citizens</u>	<u>0.1 per unit, not fewer than 2, to a maximum requirement of 100</u>	<u>0.1 per unit, not fewer than 2, to a maximum requirement of 100</u>
(2) <u>Non-Residential</u>		
<u>Total non-residential floor area under 10,000 square feet gross floor area</u>	<u>2</u>	<u>2</u>
<u>Total non-residential floor area between 10,000sf and 100,000 square feet gross floor area (sf)</u>	<u>2 per 10,000sf</u>	<u>1 per 10,000sf, not fewer than 2, to a maximum requirement of 10</u>
<u>Total non-residential floor area greater than 100,000 square feet gross floor area (sf)</u>	<u>20</u>	<u>1 per 10,000sf, not fewer than 10, to a maximum requirement of 100.</u>

369

370 (b) For office uses with a total non-residential floor area of 100,000 square feet  
371 of gross floor area or greater, one shower/change facility is required for each  
372 gender available only to employees when the building is accessible.

373

374 **[59-C-15.63]59-C-15.63. Parking.**

- [(a) (1) For projects that satisfy the requirements for transit proximity levels 1 or 2, the number of parking spaces provided on site must not exceed the number required under Article 59-E, except that the maximum number of parking spaces for general retail and restaurant uses is 4 spaces for every 1,000 square feet of gross leasable area, and no parking spaces are required for restaurant outdoor patron areas.
- (2) All projects that do not satisfy the requirements for transit proximity levels 1 or 2 must meet the parking requirements established under Article 59-E, except that the number of parking spaces for general retail and restaurant uses in Subsection (a)(1) may be provided without a parking waiver.
- (b) Except for retail and restaurant uses that satisfy Subsection (a)(1) and projects that do not satisfy transit proximity level 1 or 2, the number of parking spaces required is based on a building's distance from transit as follows:

Parking Requirements				
	Transit Proximity (Level 1 or 2)			
	¼ mile from transit	¼ to ½ mile from transit	½ mile to 1 mile from transit	>1 mile from transit
Non-residential: the number of required spaces under Article 59-E multiplied by the following factor:	0.20	0.40	0.60	0.80

Residential: the number of required spaces under Article 59-E multiplied by the following factor:	0.60	0.70	0.80	0.90
--	------	------	------	------

390

391 The appropriate parking rates apply to the gross floor area within each distance  
392 category.]

393 Instead of the requirements of Article 59-E regarding parking space numerical  
394 requirements, landscaping, and surface parking design, development in the CRN,  
395 CRT, and CR zones must comply with the following provisions. All standards and  
396 requirements of Article 59-E that are not modified by this Section must be  
397 satisfied.

398

399 **59-C-15.631. Parking Ratios.**

400 Parking spaces must satisfy the following minimums and maximums. The  
401 minimum number of spaces required is equal to the number of parking spaces that  
402 would otherwise be required by Division 59-E-3 multiplied by the applicable factor  
403 in the table, or at the rate indicated. When a maximum number of spaces is  
404 indicated, no more parking than would otherwise be required by Division 59-E-3  
405 may be provided.

<u>Use</u>	<u>CRN</u>		<u>CRT</u>		<u>CR</u>			
<u>Distance from a</u> <u>level 1 or 2 transit</u> <u>station or stop</u>	<u>Up to</u> <u>½</u> <u>mile</u>	<u>Greater</u> <u>than ½</u> <u>mile</u>	<u>Up</u> <u>to ½</u> <u>mile</u>	<u>Greater</u> <u>than ½</u> <u>mile</u>	<u>Up to</u> <u>¼ mile</u>	<u>¼ to ½</u> <u>mile</u>	<u>½ to 1</u> <u>mile</u>	<u>Greater</u> <u>than 1</u> <u>mile</u>
<u>(a) Residential</u>								

<u>Maximum:</u>	<u>None</u>	<u>None</u>	<u>59-E</u>	<u>None</u>	<u>59-E</u>	<u>59-E</u>	<u>59-E</u>	<u>None</u>
<u>Minimum:</u>	<u>0.8</u>	<u>1.0</u>	<u>0.7</u>	<u>0.8</u>	<u>0.6</u>	<u>0.7</u>	<u>0.8</u>	<u>0.9</u>
<b>(b) <u>Retail and restaurant non-residential uses (gross leasable indoor area; no parking spaces are required for outdoor patron area)</u></b>								
<u>Maximum:</u>	<u>59-E</u>	<u>None</u>	<u>59-E</u>	<u>None</u>	<u>59-E</u>	<u>59-E</u>	<u>59-E</u>	<u>None</u>
<u>Minimum:</u>	<u>0.6</u>	<u>0.8</u>	<u>0.4</u>	<u>0.6</u>	<u>4 per</u> <u>1,000</u> <u>square</u> <u>feet</u>	<u>4 per</u> <u>1,000</u> <u>square</u> <u>feet</u>	<u>4 per</u> <u>1,000</u> <u>square</u> <u>feet</u>	<u>0.8</u>
<b>(c) <u>All other non-residential uses</u></b>								
<u>Maximum:</u>	<u>59-E</u>	<u>None</u>	<u>59-E</u>	<u>None</u>	<u>59-E</u>	<u>59-E</u>	<u>59-E</u>	<u>None</u>
<u>Minimum:</u>	<u>0.6</u>	<u>0.8</u>	<u>0.4</u>	<u>0.6</u>	<u>0.2</u>	<u>0.4</u>	<u>0.6</u>	<u>0.8</u>

406

407 **(d) The appropriate rates to determine the number of parking spaces apply to the**  
408 **gross floor area of each use within each distance category.**

409 **59-C-15.632. Accepted Parking Spaces**

410 **[(c)]** Parking requirements must be met by any of the following:

411 **[(1)](a)** providing the spaces on site;

412 **[(2)](b)** constructing publicly available on-street parking; or

413 **[(3)](c)** participating in:

414 **(1)** a parking lot district;

415 **(2)** [or] a shared parking program established by municipal resolution; or

416 **(3)** entering into an agreement for shared parking spaces in a public or  
417 private facility within [1,000 feet] ¼ mile of the subject lot, if the off-  
418 site parking facility is not in an agricultural (Division 59-C-9),  
419 planned unit development (Division 59-C-7), or one-family residential  
420 (Division 59-C-1) zone, unless otherwise allowed by this Chapter.

[(d)] Every “car-share” space provided reduces the total number of required spaces by 6 spaces for a non-residential use or 3 spaces for a residential use.

*Example:* A non-residential project on a CR-zoned site requiring at least 100 spaces under Article 59-E would be required to provide a maximum of 100 spaces on site. If that site was within ¼ to ½ mile of a transit station, the minimum requirement for parking would be 40 spaces ( $100 \times 0.40 = 40$ ). If 2 car-share spaces were provided, that requirement would be 28 for non-residential use or 34 for residential use.

**59-C-15.633. Parking space location and access.**

[(e)] The design of surface parking [facilities] spaces must comply with the following:

[(1)](a) [a] parking [facility at] spaces on or above grade must not be located between the street and the main front wall of the building or the side wall of [a] the main building on a corner lot[ unless the Planning Board finds that safe and efficient circulation would be better served by a different arrangement]; and

[(2)](b) if a site is adjacent to an alley, the primary vehicular access to the parking facility must be from that alley.[]; and

(3) curb cuts must be kept to a minimum and shared by common ingress/egress easements whenever possible.]

**59-C-15.634. Drive-through facility design.**

Any drive-through facility requires the approval of a site plan under Division 59-D-3 and must satisfy the following:

[(f)](a) [The design of parking facilities with drive-through services must comply with the following; however, the Planning Board may approve a design if it finds that the alternative design would provide safer and more efficient circulation:] no part of a drive-through service facility, including the stacking area, may be located within 100 feet of a property line shared with an one-family or agriculturally zoned land;



- 450 [(1)](b) [the driveway must not be] no drive-through service window, drive  
 451 aisle, or stacking area may be located between the street and the main front  
 452 wall of [a ] the main building [or the side wall of a building on a corner lot];  
 453 [(2)](c) [the] no drive-through service window [must], drive aisle, or stacking  
 454 area may be located [on the rear or] between the street and the side wall of  
 455 the main building [; any service window on the side wall of a building must  
 456 be] on a corner lot unless permanently screened from any street by a 5-foot  
 457 or higher wall or fence; and  
 458 [(3) curb cuts to a street must be minimized to one drive aisle of no more than 20  
 459 feet in width for two-way traffic or two drive aisles each of no more than 10  
 460 feet in width for one-way traffic]

461 **59-C-15.635. Landscaping and lighting.**

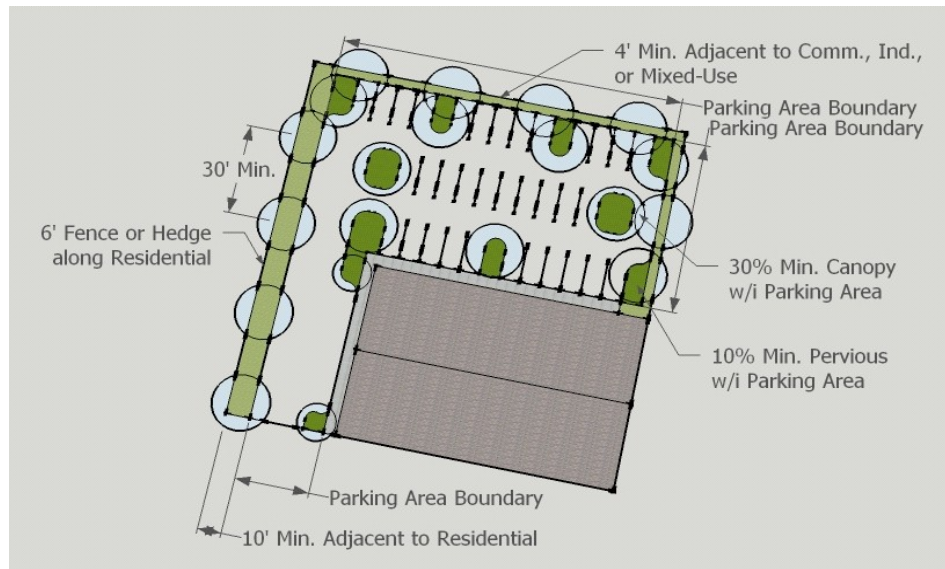
462 [(g)] Except for areas used for internal driveway or sidewalk connections between  
 463 lots or parcels that are not zoned one-family residential [(59-C-1)] or agricultural  
 464 [(59-C-9)] , landscaping for surface parking [facilities] spaces must satisfy the  
 465 following requirements:  
 466

Minimum Landscape Standards for Surface Parking	
Subject	Requirement
(a) [Right-of-Way Screening] <u>Property line adjacent to a right-of-way</u>	<u>No less than 6-foot [width of] wide</u> continuous soil panel [or] <u>(excluding any easements) with</u> stormwater [management recharge facility (not including any PUE or PIE) with groundcover] <u>facilities, planting bed, or lawn, including[;] a minimum 3-foot high continuous evergreen hedge or fence; [and] plus one deciduous tree per 30 feet of street frontage or per the applicable streetscape standards.</u>
(b) <u>Property line adjacent to a lot or parcel in a one-family residential or agricultural zone</u>	<u>No less than 10-foot width continuous soil panel (excluding any easements) with stormwater facilities, planting bed, or lawn including a minimum 6-foot high continuous evergreen hedge or fence; plus one deciduous tree per 30 feet of frontage.</u>

(c) <u>Property line</u> [Adjacent] <u>adjacent</u> to a lot or parcel in any [Commercial, Industrial, or Mixed- Use Zone] <u>zone not</u> <u>subject to (b), above</u>	No less than 4-foot width continuous soil panel [or] (excluding any easements) with stormwater [management recharge facility with groundcover] facilities, planting bed, or lawn; <u>plus</u> one deciduous tree per 30 feet [of frontage].
[Adjacent to a lot or parcel in an Agricultural or Residential District	10-foot width continuous soil panel or stormwater management recharge facility with groundcover, planting bed, or lawn; 6-foot high continuous evergreen hedge or fence; and one deciduous tree per 30 feet of frontage.]
(d) <u>Internal Pervious Area</u>	No less than 10 percent of the parking facility area comprised of individual areas of at least 100 square feet each.
(e) <u>Tree Canopy Coverage</u>	No less than 30 percent of the parking facility area (at 15 years growth).
(f) <u>Lighting</u>	Per the Illuminating Engineering Society of North America standards, or County equivalent, with full or partial cut-off fixtures and no more than 0.5 footcandle illumination at any property line subject to (b), above.

467

468



469

470

*Surface Parking Landscape Requirements Illustrative*

**59-C-15.636. Waiver of parking provisions.**

The Director, Planning Board, or Board of Appeals may waive any requirement of  
Section 59-C-15.63 not necessary to accomplish the objectives of this Division and  
Section 59-E-4.2, and in conjunction with such a waiver may adopt reasonable  
mitigating requirements above the minimum standards. At least 10 days notice of

any request for a waiver under this Section must be provided to all adjoining property owners, affected citizen associations, and Planning Department Staff, if applicable, before a decision may be made.

**59-C-15.7. Development standards.**

Development in [any] the CRN, CRT, and CR [zone] zones must comply with the following standards.

**59-C-15.71. Density and height.**

Maximum density and height are specified by the zone established on the zoning map under the provisions of Section 59-C-15.1.

[(a) The maximum density for any standard method project is the greater of 0.5 FAR or 10,000 square feet of gross floor area. Any single land use or any combination of land uses allowed in the zone may achieve the maximum density.

(b) The maximum total density and mix of maximum non-residential and residential density for any project using the optional method of development is specified by the zone.]

**[59-C-15.72. Height.**

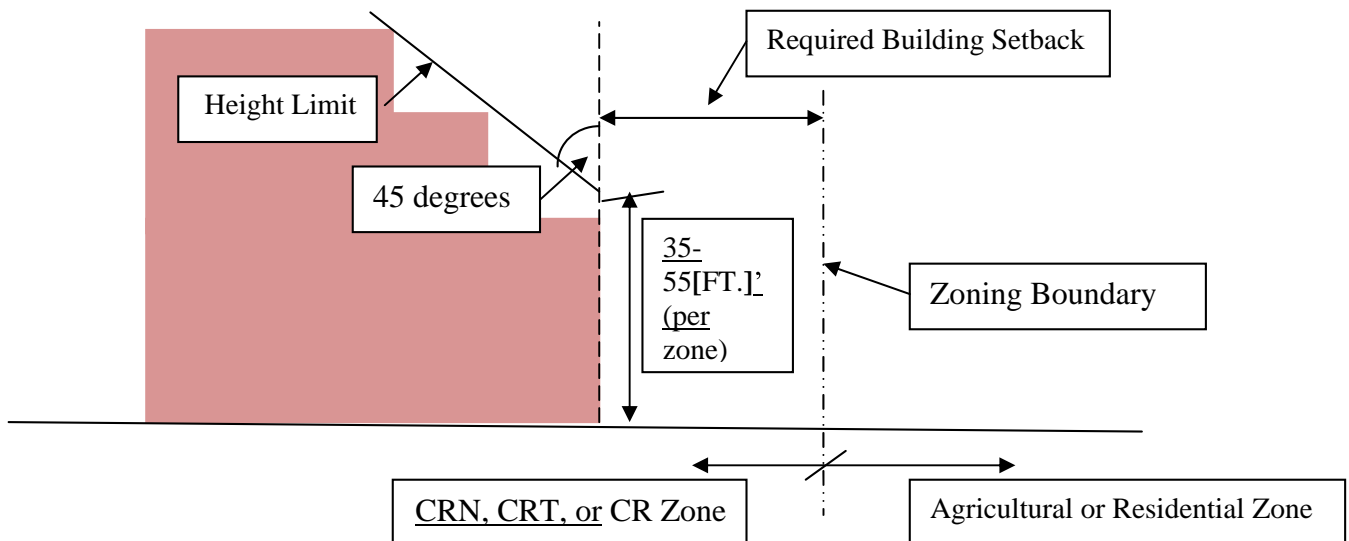
(a) The maximum height for any building or structure in a standard method project is 40 feet.

(b) The maximum height for any building or structure in an optional method project is determined by the zone.]

**[59-C-15.73]59-C-15.72. Setbacks.**

(a) [A building must not be any closer to a lot line shared with] Where a tract of land is adjacent to a lot or parcel in [an agricultural (Division 59-C-9) or applicable residential (Division 59-C-1)] a one-family residential or agricultural zone [than] any building:

- (1) must have a minimum setback of 25 feet or the setback required by the adjacent lot or parcel, whichever is greater; and
- (2) [the building] must not project beyond a 45 degree angular plane projecting over the subject lot or parcel measured from a height of 55 feet in the CR zones, 45 feet in the CRT zones, or 35 feet in the CRN zones at the setback line determined above, with the exception of those features exempt from height and setback restrictions under Section 59-B-1.
- (b) The development of a new building in place of a building existing when [the] a CRN, CRT, or CR zone is applied may be built to the [pre-existing setbacks] previously allowed setback if the height of the new building is not increased [over that] above the height of the former building.



*Angular Plan Setback Illustration*

**[59-C-15.74]59-C-15.73. Public use space.**

- (a) Public use space is not required for any standard method project that does not require a site plan. If a site plan is required for the proposed project,

[then the minimum ]public use space is [10 percent of the project's net land area.] required as follows:

<b><u>Gross Tract Area</u></b>	<b><u>Minimum Public Use Space</u></b>
<u>Up to 10,000sf</u>	<u>None</u>
<u>10,001sf up to 3 acres</u>	<u>10% of net tract area</u>
<u>Over 3 acres</u>	<u>10% of limits of disturbance</u>

(b) Projects using the optional method of development must provide public use space as follows:

<b>Minimum Required Public Use Space (% of net tract area)</b>				
Acres (Gross)	Number of Existing, <u>Proposed</u> , and <u>Master-Planned</u> Right-of-Way Frontages			
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4+</b>
< ½	0	0	0	5
½ - <b>1.00</b>	0	0	5	10
<b>1.01 - 3.00</b>	0	5	10	10
<b>3.01 – 6.00</b>	5	10	10	10
<b>6.01 +</b>	10	10	10	10

(c) Public use space must:

- (1) be [calculated on the net tract area that was included in the sketch plan application;
- (2) be] rounded to the next highest 100 square feet;
- [(3)](2) be easily and readily accessible to the public; and
- [(4)] be distributed within the entire tract area included in the sketch plan application; and
- [(5)](3) contain amenities such as seating options, shade, landscaping, artwork, or [other similar public benefits] fountains.

- (d) Instead of providing on-site public use space, [for any site of 3 acres or less, a development may propose the following alternatives,] an applicant may satisfy all or part of the requirement by one or more of the following means, subject to Planning Board approval:
- (1) implementing public park or public use space improvements of an equal or greater size within [1/4 mile of the subject site] or near the applicable master or sector plan area; or
  - (2) making a payment in part or in full [to the Public Amenity Fund under Section 59-D-2.31.] for design, construction, renovation, restoration, installation, and/or operation within or near the applicable master or sector plan area if the payment is:
    - (A) equal to the cost of constructing an equal amount of public use space and associated amenities on-site per square foot plus the fair market value of the application tract of land per square foot;
    - (B) used to implement the open space, recreation, and cultural goals of the applicable master or sector plan; and
    - (C) made within 30 days of the release of any building permit for the subject application.
- [(e) A development on a site larger than 3 acres may only provide off-site public use space in order to provide master-planned open space improvements, or a payment under Subsection (d)(2), for an area of equal or greater size required on site that is:
- (1) located within the same master plan area as the proposed development; and
  - (2) indicated on the approved sketch plan.]
- [59-C-15.75]59-C-15.74. Residential amenity space.**

- (a) Any building containing 20 or more dwelling units must provide amenity space for its residents as follows:

Required Residential Amenity Space	
Type of Amenity Space	Area of Amenity Space
Indoor space in a multi-purpose room, fitness room, or other common community room(s), at least one of which must contain a kitchen and bathroom.	<u>A minimum of 20 square feet per market-rate dwelling unit up to 5,000 square feet.</u>
Passive or active outdoor recreational space.	<u>A minimum of 20 square feet per market-rate dwelling unit, of which at least 400 square feet must adjoin or be directly accessible from the indoor amenity space, up to 5,000 square feet.</u>

- (b) [The] Additional amenity space is not required for Moderately Priced Dwelling Units (MPDUs) or Workforce Housing Units (WFHUs) on a site within a metro station policy area or where the Planning Board finds [that there is ]adequate recreation facilities and open space area available within [a] ½ mile [radius] of the subject site. If such a finding cannot be made, amenity space must be provided as if all the dwelling units were market-rate units.
- (c) [The amenity space requirement may be reduced by ½ for Workforce Housing Units (WFHUs) located within a metro station policy area or if the minimum public open space requirement is satisfied on site.
- (d)] The provision of residential amenity space may be counted towards meeting the required recreation calculations under the M-NCPPC Recreation Guidelines, as amended.

**59-C-15.8. Special regulations for the optional method of development**

**[59-C-15.81. Incentive Density Provisions.]**

This section establishes incentives for optional method projects to provide public benefits in return for increases in density and height above the standard method

maximums[, consistent with the applicable master or sector plan,] up to the maximum permitted by the zone.

**59-C-15.81. Incentive Density Categories.**

[(a)] Public benefits must be provided that enhance or contribute to the objectives of the CRT and CR [zone] zones in some or all of the following categories:

- [(1)](a) [Master-planned major] Major public facilities;
- [(2)](b) Transit proximity [for residents, workers, and patrons];
- [(3)](c) Connectivity between uses [and], activities, and mobility options;
- [(4)](d) Diversity of uses and activities;
- [(5)](e) Quality of building and site design; and
- [(6)](f) Protection and enhancement of the natural environment[; and
- (7) Advanced dedication of right-of-way].

[Sections 59-C-15.82 through 59-C-15.88 indicate] Section 59-C-15.85 indicates the individual [types of] public benefits that may be accepted in each of these categories.

**59-C-15.82. Public benefits required.**

Any optional method development must provide public benefits from at least 4 of the 6 categories listed in Section 59-C-15.81 and:

- (a) Development in the CRT zones must provide public benefits worth a minimum total of 50 points; and
- (b) Development in the CR zones must provide BLTs required under Section 59-C-15.856(a) for at least 5 points and provide additional public benefits; the sum of the public benefit points must equal at least 100.

**59-C-15.83. General incentive density considerations.**

[(b)] In approving any incentive density based on the provision of public benefits, the Planning Board must consider:



608 [(1)](a) The [policy] recommendations and objectives [and priorities] of the  
609 applicable master or sector plan;

610 [(2)](b) [Any applicable design guidelines and any adopted public benefit  
611 standards and guidelines] The CR Zone Incentive Density Implementation  
612 Guidelines and any design guidelines adopted for the applicable master plan  
613 area;

614 [(3)](c) The size and configuration of the tract;

615 [(4)](d) The relationship of the site to adjacent properties;

616 [(5)](e) The presence or lack of similar public benefits nearby; and

617 [(6)](f) Enhancements beyond the elements listed in the individual public  
618 benefit descriptions or criteria that increase public access to or enjoyment of  
619 the benefit.

620 Examples: Pedestrian activation along a through-block connection, greater  
621 vegetated roof or tree canopy area than required, tower step-backs at a lower  
622 height or deeper into the site than the minimum necessary to qualify for the  
623 benefit, or provision of neighborhood services for more smaller businesses  
624 than required.

625 [(c) Any incentive density increase approved by the Planning Board for an  
626 optional method of development application must satisfy Subsection 59-C-  
627 15.87(a).]

628 **59-C-15.84. CR zones incentive density implementation guidelines.**

629 [(d)] The Planning Board must adopt, publish, and maintain guidelines that detail  
630 the standards and requirements for public benefits [that may be provided for  
631 incentive density]. The guidelines must:

[(1)](a) be consistent with the [recommendations and] objectives of [the applicable master or sector plan and the purpose of the CR zones] this Division;

[(2)](b) be in addition to any standards, requirements, or rules of incentive density calculation included in this Division, but may not [supersede] conflict with those provisions; and

[(3)] allow any single feature of a project a density incentive from only 1 public benefit;

[(4)](c) only [address the] allow incentive density for those public benefits listed in [Sections 59-C-15.82 through 59-C-15.88 and must not add a public benefit category; and

(5) include the criteria to determine when an early dedication of right-of-way qualifies for incentive density, and the amount of the incentive density permitted] Section 59-C-15.85.

**59-C-15.85. Individual public benefit descriptions and criteria.**

**[59-C-15.82]59-C-15.851. [Incentives for master-planned] Major public facilities.**

Major public facilities [such as schools, libraries, recreation centers, urban parks, and county service centers] provide public services at convenient locations and where increased density creates a greater need for civic uses and greater demands on public infrastructure [, centers for community meetings, and civic events].

(a) Major public facilities include, but are not limited to, such facilities as schools, libraries, recreation centers, parks, county service centers, public transportation or utility upgrades, or other resources delineated in an applicable master or sector plan.

- (b) If a major public facility is not recommended in the applicable master or sector plan, the Planning Board must find that the facility or improvement provides the community with a resource that is at least as beneficial as other major facilities recommended in the applicable master or sector plan. Additionally, any infrastructure upgrade may only receive incentive density for improvements beyond those required by any applicable adequate public facilities requirement to complete the proposed development.
- (c) Because of their significance in place-making, the Planning Board may approve incentive density of up to 40 points in the CRT zones and 70 [percent] points in the CR zones for (1) the conveyance of a site or floor area for, [and/or] (2) construction of, and/or (3) making a payment for a major public facility that is [designated on a master plan or sector plan and is] accepted for use and/or operation by [the] an appropriate public agency, community association, or nonprofit organization.

**[59-C-15.83]59-C-15.852. [Incentives for transit] Transit Proximity.**

[In order to encourage] Development near transit facilities encourages greater use of transit, [control] controls sprawl, and [reduce] reduces vehicle miles traveled, congestion, and carbon emissions[, the Planning Board may approve incentive density for transit proximity under this section. The percentage of incentive density awarded to a project for transit proximity is]. Transit proximity points are granted for proximity to existing or planned transit based on transit service level and CRT and CR zones as follows:

<b>[Transit Proximity]</b>	<b>Level 1</b>	<b>Level 2</b>
Adjacent or confronting	50%	30%
Within ¼ mile	40%	25%
Between ¼ and ½ mile	30%	20%

Between ½ and 1 mile	20%	15%]
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<b><u>Proximity</u></b>	<b><u>Adjacent or confronting</u></b>		<b><u>Within ¼ mile</u></b>		<b><u>Between ¼ and ½ mile</u></b>		<b><u>Between ½ and 1 mile</u></b>	
<u>Transit Service Level</u>	<u>1</u>	<u>2</u>	<u>1</u>	<u>2</u>	<u>1</u>	<u>2</u>	<u>1</u>	<u>2</u>
<u>CRT</u>	<u>25</u>	<u>15</u>	<u>20</u>	<u>12.5</u>	<u>15</u>	<u>10</u>	<u>10</u>	<u>7.5</u>
<u>CR</u>	<u>50</u>	<u>30</u>	<u>40</u>	<u>25</u>	<u>30</u>	<u>20</u>	<u>20</u>	<u>15</u>

- (a) A project is adjacent to or confronting a transit station or stop if it shares a property line[,]or easement line, or is separated only by a right-of-way from an existing or planned transit station or stop and 100 percent of the gross tract area [submitted] in a single sketch plan application is within ¼ mile of the transit portal.
- (b) For split proximity-range projects:
- (1) [For all other projects to qualify for incentive density availability at the other distances,] If at least 75 percent of the gross tract area in a single sketch plan application [must be within the range for which the incentive is proposed.] is within the closer of two proximity ranges, the entire project may take the points for the closer range;
- (2) [The incentive density for projects] If less than 75 percent of the gross tract area in [1 distance range] a single sketch plan is within the closer of 2 proximity ranges, the points must be calculated as the weighted average of the percentage of area in each range.
- [59-C-15.84]59-C-15.853. [Incentives for connectivity] Connectivity and mobility.**

[In order to enhance] Development that enhances connectivity between uses and amenities; [and increase] increases mobility options; [encourage] encourages non-automotive travel [for short and multi-purpose trips as well as for commuting]; [facilitate] facilitates social [and commercial] interaction; [provide] provides opportunities for healthier living; and [stimulate] stimulates local businesses[, the Planning Board may approve incentive density of up to 30% for a project that provides at least 2 of the following public benefits:].

- (a) **Neighborhood Services:** [Safe] At least 10 points for safe and direct pedestrian access to at least 10 different retail services on site or within ¼ mile, of which at least 4 have a [maximum] retail bay floor area of no greater than 5,000 square feet.
- (b) **Minimum Parking:** [Provision of the minimum required] Up to 10 points for providing less than the maximum allowed number of parking [for projects of one acre of gross tract area or more] spaces, if a maximum is applicable under Section 59-C-15.631.
- (c) **Through-Block Connections:** [Safe] Up to 20 points for safe and attractive pedestrian connections between streets.
- (d) **Public Parking:** [Provision of] Up to 25 points for providing up to the maximum number of parking spaces allowed in the zone as public parking.
- (e) **Transit Access Improvement:** [Ensuring] Up to 20 points for ensuring that access to transit facilities meets County standards for handicapped accessibility.
- (f) **Trip Mitigation:** [A] At least 15 points for entering into a binding [and verifiable] Traffic Mitigation Agreement to reduce the number of weekday morning and evening peak hour trips attributable to the site in excess of any

other regulatory requirement; the agreement must result in a non-auto driver mode share of at least 50% for trips attributable to the site.

(g) **Streetscape:** Up to 20 points for construction of off-site streetscape excluding any streetscape improvements required by this Division.

(h) **Advance Dedication:** Up to 30 points for dedicating or providing a reservation for dedication for master-planned rights-of-way in advance of a preliminary or site plan application.

(i) **Way-Finding:** At least 5 points for design and implementation of a way-finding system orienting pedestrians and cyclists to major open spaces, cultural facilities, and transit opportunities.

**[59-C-15.85]59-C-15.854. [Incentives for diversity] Diversity of uses and activities.**

[In order to increase] Development that increases the variety and mixture of land uses, types of housing, economic [diversity] variety, and community activities; [contribute] contributes to development of [a ]more efficient and sustainable [community] communities; [reduce] reduces the necessity for automobile use; and [facilitate] facilitates healthier lifestyles and greater social interaction[, the Planning Board may approve incentive density of up to 30% for a project that provides affordable housing or a public facility, as described below, or at least 2 of the other following public benefits:].

(a) **Affordable Housing:**

(1) All residential development must comply with the requirements of Chapter 25A for the provision of Moderately Priced Dwelling Units (MPDUs) [and may provide Workforce Housing Units (WFHUs) under Chapter 25B.

- (1) **MPDU Incentive Density:** Provision of MPDUs above the minimum required is calculated on the total number of dwelling units as required by Chapter 25A, and the percent of incentive density increase is based on the proposed FAR for the entire project], except that achieving bonus density under Section 25A-5(c)(3), as amended from time to time, entitles an applicant to incentive density points under this Division equal to the bonus density percentage.

*Example:* Provision of 14.5% MPDUs is awarded [an incentive density of 20 % (see 25A-5(c)(3)). In the case of a CR 4.5 zone that proposes 4.5 FAR, that equals 0.20 x 4.0 (the incentive density), which is 0.8 FAR] 20 points; provision of 13.0% MPDUs is awarded 5 points.

- (2) **[WFHU Incentive Density: Provision of]** Up to 30 points for providing Workforce Housing Units (WFHUs) at a rate of [is calculated at the following rate:] 2 times the percentage of total units, excluding MPDUs [provided as WFHUs].

*Example:* Provision of 5% WFHUs is awarded [incentive density of] 10[%] points; provision of 12% WFHUs is awarded [incentive density of] 24[%] points.

- (b) **Adaptive Buildings:** [Provision of buildings with] At least 10 points for constructing commercial or mixed use buildings with minimum floor-to-floor heights of at least 15 feet on any floor that meets grade and 12 feet on all other floors. Internal structural systems must be able to accommodate various types of use with only minor modifications.
- (c) **Care Centers:** [Child] Up to 20 points for constructing a child or adult day care [facilities] facility with spaces for at least 15 users.

- (d) **Small Business [Retention] Opportunities:** [Provision of] Up to 20 points for providing on-site space for small, neighborhood-oriented businesses.
- (e) **Dwelling Unit Mix:** [Provision of] At least 5 points for integrating a mix of residential unit types with at least 7.5% efficiency units, 8% 1-bedroom units, 8% 2-bedroom units, and 5% 3-or-more bedroom units.
- (f) **Enhanced Accessibility for the Disabled:** [Provision of] Up to 20 points for constructing dwelling units that satisfy American National Standards Institute A117.1 Residential Type A standards or [units that satisfy ]an equivalent County standard.
- (g) **Live/Work:** At least 10 points for developments of up to 2.0 FAR total density that provide at least the greater of 3 units or 10% of the total unit count as live/work units.

**[59-C-15.8]59-C-15.855. [Incentives for quality] Quality building and site design.**

High quality design is especially important in urban, integrated-use settings to ensure that buildings and uses are visually compatible with each other and adjacent communities and to provide a harmonious pattern of development. Due to [the] increased density [of] in these settings, buildings tend to [have high visibility. High] be highly visible and high quality design [may help to] helps attract residents, patrons, and businesses to [locate in] these [settings] areas. Location, height, massing, façade treatments, and ornamentation of buildings affect sense of place, orientation, and the perception of comfort and convenience. The quality of the built environment affects light, shadow, wind, and noise, as well as the functional and economic value of property. [In order to promote high quality design, the Planning Board may approve incentive density of up to 30% to a project that provides at least 2 of the following public benefits:]



- 799 (a) **Historic Resource Protection:** [Preservation] Up to 20 points for the  
800 preservation and/or enhancement of or payment towards preservation and/or  
801 enhancement of a historic resource [indicated on] or a contributing element  
802 within a historic district designated in the Master Plan for Historic  
803 Preservation [in conformance with a plan approved by the Historic  
804 Preservation Commission. A fee-in-lieu for a specific preservation project  
805 may be paid to the Historic Preservation Division as specified in the  
806 Guidelines for Public Benefits]\_.
- 807 (b) **Structured Parking:** [Parking provided] Up to 20 points for placing  
808 parking within [a structure or below-grade] above- or below-grade  
809 structures.
- 810 (c) **Tower [Setback] Step-Back:** [Setback of building] At least 5 points for  
811 stepping back a building's upper floors by a minimum of 6 feet [beyond]  
812 behind the first floor façade [at a maximum height of] . The step-back must  
813 begin at a height no greater than 72 feet.
- 814 (d) **Public Art:** [Provision of ] Up to 15 points for installing public art [must be]  
815 reviewed for comment by, or paying a fee accepted by, the [Public Arts  
816 Trust Steering Committee. A fee-in-lieu may be paid to the Trust as  
817 specified in the Guidelines for Public Benefits] Arts and Humanity Council.
- 818 (e) **Public Open Space:** [Provision of] Up to 20 points for providing, or  
819 making a payment for, open space in addition to the minimum public use  
820 space required by [the zone. Public open space must be easily accessible to  
821 the public during business hours and/or at least from sunrise to sunset and  
822 must contain amenities such as seating, plantings, trash receptacles, kiosks,  
823 and water features] this Division.

824 [(f) **Streetscape:** Construction of off-site streetscape in addition to the  
825 requirements of this division].

826 [(g)](f) **Exceptional Design:** [Building design that provides innovative  
827 solutions in response to the immediate context; creates a sense of place and  
828 serves as a landmark; enhances the public realm in a distinct and original  
829 manner; introduces new materials, forms, or building methods; uses design  
830 solutions to make compact infill development living, working, and shopping  
831 environments more pleasurable and desirable; and integrates low-impact  
832 development methods into the overall design of the site and building.] Up to  
833 10 points for building or site design whose visual and functional impacts  
834 enhance the character of a setting and the purposes delineated in this  
835 Section.

836 (g) **Architectural Elevations:** Up to 20 points for providing elevations of  
837 architectural façades and agreeing to be bound by particular elements of  
838 design, such as minimum amount of transparency, maximum separation  
839 between doors, awning provisions, sign restrictions, or lighting parameters  
840 that affect the perception of mass, pedestrian comfort, or enhance  
841 neighborhood compatibility.

842 **[59-C-15.87]59-C-15.856. [Incentives for] Protection and enhancement of the**  
843 **natural environment.**

844 [In order to combat sprawl and] Protection and enhancement of natural systems  
845 and decreases in energy consumption help mitigate or reverse environmental  
846 [problems] impacts such as heat island effects from the built environment,  
847 inadequate carbon-sequestration, habitat and agricultural land loss, and air and  
848 water pollution caused by reliance on the automobile [, the Planning Board may  
849 approve a density increase up to 30% for the public benefits in this Subsection:].

- (a) **Building Lot Termination(BLT):** [CR zones require] Up to 30 points for the purchase of BLT easements or payment to the Agricultural Land Preservation Fund (ALPF) [for at least 5% but no more than 30% of the incentive density under the following conditions]. The first 5 points are mandatory for all developments in the CR zones; up to 25 additional points are allowed as an option.
- (1) In the CR zones, an applicant must purchase BLT easements, or make payments to the ALPF, in an amount equal to 5% of the incentive density floor area under the following parameters:
- (A) One BLT must be purchased or equivalent payment made for every 20,000 square feet of gross floor area to qualify for the first 5% incentive density floor area; and
- (B) Any private BLT easement must be purchased in whole units; or
- (C) BLT payments must be made to the ALPF, based on the amount established by Executive Regulations under Chapter 2B; if a fraction of a BLT easement is needed, a payment based on the gross square footage of incentive density must be made for at least the fraction of the BLT easement.
- (2) [BLT payments must be made to the Agricultural Land Preservation Fund, based on the amount established by Executive Regulations under Chapter 2B; if a fraction of a BLT easement is needed, a payment based on the gross square footage of incentive density must be made to the Agricultural Land Preservation Fund for at least the fraction of the BLT easement.] Up to 25 points for the purchase of BLTs, or equivalent payments to the ALPF for any incentive density

above 5%. Each BLT easement purchase or payment is equal to 30,000 square feet of gross floor area, or such proportionate square footage represented by a fractional BLT purchase or payment. This is converted into points by dividing the incentive density floor area covered by the purchase or payment by the total square feet of the incentive density area.

- (3) In the CRT zones, BLT payments are optional; each BLT easement purchase or payment is equal to 30,000 square feet of gross floor area, or such proportionate square footage represented by a fractional BLT purchase or payment.[(A) For the first 5% of incentive density, each BLT easement purchase or payment allows 20,000 gross square feet of incentive density or a proportion thereof, allowed by a payment for a fraction of a BLT.
- (B) For the incentive density above 5%, each BLT easement purchase or payment allows 30,000 gross square feet of incentive density or a proportion thereof, allowed by a payment for a fraction of a BLT.]

Example: If a 50,000 square-foot (sf) CR3.0 site is fully developed, the incentive density available to be earned equals 125,000sf (150,000sf - 25,000sf = 125,000sf). The 5% BLT requirement for 125,000sf equals 6,250sf, which equals 0.32 BLT (6,250sf / 20,000sf = 0.32). If the applicant seeks an additional 10 points through the purchase of BLTs, 10% of the incentive density is calculated, which in this case is 12,500sf (125,000sf x 0.10 = 12,500sf). Because 1 BLT, above the required 5%, is equivalent to 30,000sf, the 12,500sf requires a payment for an additional 0.42 BLTs (12,500sf / 30,000sf = 0.42). Together, the required and incentive BLTs equal 0.74 BLTs for 15 points in the Environment category.

- 902 (b) **Energy Conservation and Generation:** At least 10 points for constructing  
 903 buildings that [Provision of energy-efficiency that exceeds] exceed the  
 904 energy-efficiency standards for the building type by 17.5% for new  
 905 buildings or 10% for existing buildings [, or provision of]. At least 15  
 906 points for providing renewable energy generation facilities on-site or within  
 907 ½ mile of the site for a minimum of 2.5% of the projected energy  
 908 requirement for the development.
- 909 (c) **[Green] Vegetated Wall:** [Installation] At least 5 points for the installation  
 910 and maintenance of a vegetated wall that covers at least 30% of any blank  
 911 wall or parking garage façade that is at least 300 feet in area and is visible  
 912 from a public street or open space.
- 913 (d) **Tree Canopy:** [Coverage] At least 10 points for tree canopy coverage at 15  
 914 years of growth of at least 25% of the on-site open space.
- 915 (e) **Vegetated Area:** [Installation] At least 5 points for installation of plantings  
 916 in a minimum of 12 inches of soil, covering at least 5,000 square feet [of  
 917 previously impervious surfaces]. This does not include vegetated roofs.
- 918 (f) **Vegetated Roof:** [Provision ] At least 10 points for installation of a  
 919 vegetated roof with a soil depth of at least 4 inches covering at least 33% of  
 920 a building's roof, excluding space for mechanical equipment.
- 921 (g) **Cool Roof:** At least 5 points for constructing any roof area that is not  
 922 covered by a vegetated roof with a minimum solar reflectance index (SRI) of  
 923 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of  
 924 25 for slopes above 2:12.
- 925 (h) **Recycling Facility Plan:** At least 5 points for providing a recycling facility  
 926 plan to be approved as part of a site plan for buildings that must comply with

Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04.

- (i) **Habitat Preservation and Restoration:** Up to 20 points for protection, restoration, or enhancement of natural habitats, onsite or within the same local watershed, which are in addition to requirements of the Forest Conservation Law or other county laws.

[59-C-15.88. Advanced dedication of right-of-way.

When sketch plans or site plans are approved, the Planning Board may allow an incentive density not to exceed 30% for a prior dedication of rights-of-way for roadways, sidewalks, or bikeways recommended in the applicable master or sector plan, if the County or the State is responsible for constructing the facility on the right-of-way.]

**59-C-15.9. Existing Approvals.**

- (a) One or more lawfully existing buildings [or], structures [and the], or uses [therein which] ,that predate the [applicable sectional map amendment]application of the CR zone to the site[,] are conforming structures or uses, and may be continued, renovated, repaired, or reconstructed to the same size and configuration, or enlarged up to a total of 10 percent above the total existing floor areas of all buildings and structures on site or 30,000 square feet, whichever is less, and such development does not require a site plan. [Enlargements] Expansions in excess of the limitations in this Subsection will require compliance with the full provisions of this Division. Uses located in a building or structure deemed conforming under the provisions of this Subsection may be converted to any permitted non-residential or residential use(s) up to the density limits for the land use established by the CRT, CRN, or CR zone.

- (b) A project that received an approved development plan under Division 59-D-1 or schematic development plan under Division 59-H-2 before the [enactment] application of the CR zones to the site may proceed under the binding elements of the development plan and will thereafter be treated as a lawfully existing building, and may be renovated or reconstructed under Subsection (a) above. Such development plans or schematic development plans may be amended as allowed under Division 59-D-1 or 59-H-2 under the provisions of the previous zone; however, any incremental increase in the total floor area beyond that allowed by Subsection (a) above or any incremental increase in building height greater than 15 feet requires, with respect to the incremental increase only, full compliance with the provisions of this Division. Any failure to fully comply with the binding elements of the development plan will require full compliance with the provisions of this Division.
- (c) At the option of the owner, any portion of a project subject to an approved development plan or schematic development plan described in Subsection (b) above may be developed under this Division. The remainder of that project continues to be subject to the approved development plan or schematic development plan, under Subsections (a) and (b).
- (d) A project which has had a preliminary or site plan approved before the applicable sectional map amendment may be built or altered at any time, subject to either the full provisions of the previous zone or this [division] Division, at the option of the owner. If built under the previous approval, it will be treated as a [lawfully existing building] conforming building, structure, or use and may be renovated or reconstructed under Subsection (a)

above. If built with an incremental increase over the previous approval, only that incremental increase must comply with this Division.

(e) A project that has had a special exception approved before application of the CR zone to the site may continue as a lawfully existing use as long as it fully complies with the terms and conditions of its approval. Any failure to fully comply with the terms and conditions of the special exception approval will require full compliance with the provisions of this Division. If a special exception holder chooses to operate under this Division instead of under the special exception, written notice must be provided to the Board of Appeals that the special exception has been abandoned.

\* \* \*

**Sec. 3. Effective date.** This ordinance takes effect 20 days after the date of Council adoption.

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council